

11794. Alleged adulteration of tankage. U. S. v. 33 Bags of Tankage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16783. I. S. No. 4476-v. S. No. C-3788.)

On August 30, 1922, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 33 bags of tankage, remaining in the original unbroken packages at Greenville, Ohio, consigned by H. E. Motts Co., of Cleveland, Ohio, from Syracuse, N. Y., November 19, 1921, alleging that the article had been shipped from Syracuse, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Motts Vegetable Tankage H. E. Motts Co., Cleveland, Ohio."

Adulteration of the article was alleged in the libel for the reason that glass had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength. Adulteration was alleged for the further reason that the article contained an added poisonous and deleterious ingredient, glass, which might render it injurious to health.

On May 16, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11795. Adulteration of chloroform. U. S. v. 369 $\frac{1}{2}$ -Pound Tins, et al., of Chloroform. Decree ordering release of product under bond. (F. & D. No. 16786. S. Nos. C-3794, C-3795, C-3796.)

On or about September 14, 1922, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,949 tins of chloroform at Gainesville, Tex., alleging that the article had been shipped from New York, N. Y., in various consignments, namely, on February 25, March 11, and April 5, 1922, respectively, and transported from the State of New York into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform * * * For Anesthesia."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the chloroform in one shipment contained impurities decomposable by sulphuric acid and chlorinated decomposition products and that the chloroform in the remaining shipments was turbid, upon evaporation it left a foreign odor, and it contained chlorides, impurities decomposable by sulphuric acid, odorous decomposition products, and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation.

On May 31, 1923, H. W. Stark, Gainesville, Tex., having appeared as claimant for the property, judgment of the court was entered ordering that the product be delivered to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11796. Misbranding of tankage. U. S. v. 18 Sacks of Hyklass Digester Tankage. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 17252. I. S. No. 9629-v. S. No. C-3878.)

On February 5, 1923, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 18 sacks of Hyklass digester tankage at Keokuk, Iowa, alleging that the article had been shipped by the Rogers By-Products Co., Aurora, Ill., on or about December 14, 1922, and transported from the State of Illinois into the State of Iowa, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "100 Lbs. Hyklass * * * Digester Tankage Guaranteed Analysis Protein 60% * * * Made By Rogers By-Products Co. Aurora, Ill."

Misbranding of the article was alleged in substance in the libel for the reason that the labels on the packages containing the said article bore the

statement that it contained 60 per cent of protein, which statement was false and misleading and had a tendency to and did mislead and deceive purchasers in that the article did not contain 60 per cent of protein.

On April 12, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold without labels by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11797. Adulteration of walnuts. U. S. v. 35 Sacks of Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17300. I. S. No. 4056-v. S. No. C-3912.)

On February 24, 1923, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 35 sacks of walnuts, remaining unsold in the original unbroken packages at Davenport, Iowa, alleging that the article had been shipped by the Gordon Van Storage Co., from Omaha, Nebr., on or about June 2, 1922, and transported from the State of Nebraska into the State of Iowa, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it was a vegetable substance and was in whole or in part filthy, decomposed, and putrid.

On April 28, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11798. Adulteration and alleged misbranding of corn sirup jelly. U. S. v. 10 Cases of Jelly. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 17505. I. S. No. 8566-v. S. No. W-1379.)

On May 9, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of jelly, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Corn Products Refining Co., from Kansas City, Mo., February 13, 1923, and transported from the State of Missouri into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Rex * * * Corn Syrup Apple Jelly Made With Approximately 75% Corn Syrup And 25% Juice From Apple Parings. Contains Added Phosphoric Acid And Vegetable Color. Net Weight 10 Pounds Manufactured By Corn Products Refining Co. General Offices: New York, U. S. A."

Adulteration of the article was alleged in the libel for the reason that pectin had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that acidified corn sirup pectin jelly had been substituted wholly or in part for corn sirup apple jelly containing phosphoric acid and color.

Misbranding was alleged for the reason that the statement, "Corn Syrup Apple Jelly," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On June 12, 1923, the Corn Products Refining Co., claimant, having admitted the allegations of the libel and confessed judgment, a decree of condemnation and forfeiture was entered on the ground that the product was adulterated, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled under the direction of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11799. Adulteration and misbranding of grape flavor. U. S. v. 17 Gallons of Alleged Grape Flavor. Consent decree providing for release of product under bond to be relabeled. (F. & D. No. 17655. I. S. No. 1373-v. S. No. E-4444.)

On July 16, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemna-